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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,854	09/22/2003	Hosei Matsuoka	243051US90	4307

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
DAVENPORT, MON CHERI S

ART UNIT	PAPER NUMBER
2416	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No.	Applicant(s)	
	10/664,854	MATSUOKA ET AL.	
	Examiner	Art Unit	
	MON CHERI S. DAVENPORT	2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 January 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *34-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *34-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 34, 35, 37, 42, 44, 45 and 47** rejected under 35 U.S.C. 102(e) as being anticipated by Dolan (US Patent 6,628,632).

Regarding **Claims 34, 35, 42, and 45** A packet communication method for packet communication between a first packet communication terminal and a second packet communication terminal, the first packet communication device able to connect to a network A and a network B by a first base station and a second base station, comprising (see figure 3):

A receiving unit (see figure 3, section 100, primary base station), acquiring a network address A from the first base station and a network address B from the second base station, the network address A and the network address B usable for addressing the first packet communication terminal by the second packet terminal device through the network A and through the network B, respectively, (see col. 5, lines 60-67, the base station receives identity and the address of the first, second, … nth order neighboring base stations, each base station has a network address respectively which is acquired, the first packet terminal can be address using the network address A by a second terminal);

Memory (see figure 2, section 380, memory) , first storing the acquired network address A and the network address B in a first storage located in the first packet communication terminal(see col. 5,lines 60-63, the station receives addresses and stores in memory) ;

Transmission unit (see figure 2, section 320, transceiver), notifying the second packet communication terminal about the acquired network address A and the network address B (see col. 6, lines 42-56, secondary base station, get an acknowledgment which contain the identities of the neighboring base station and the addresses, the first station will notify the second terminal of the network address required for communication and continuation of the call) ;

second storing the notified network address A and the network address B of the first packet communication terminal in a second storage located in the second packet communication terminal(see col. 7,lines 7-9, each base station stores the neighbor information for its own cells);

measuring unit (see figure 33, signal measurement), measuring a radio wave intensity A of the network A and a radio wave intensity B of the network B at the first packet communication terminal to determine availability of the network A and the network B for the first packet communication terminal, respectively (see col. 8, lines 1-9, the primary controller obtains signal quality measurements for all the neighboring base stations, which determines the availability of the network); and

instructing unit (see figure 3, switching center), generating packets from identical data, and sending the packets from the second packet communication terminal to the first packet communication terminal by using addresses that are stored in the second storage (see col. 5, lines 20-33, the switching center receives calls associated from each of the base stations and

communicates those signals, allowing more than one base station service a portion of the communication link).

instructing the second packet communication terminal to delete the network address A or the network address B from the second storage, when said step of measuring indicates that the radio wave intensity A or the radio wave intensity B is below a certain threshold value, respectively (see col. 8, lines 10-22, the signal strength is measured and informed when the measurement falls below a predetermined threshold, see col. 7, lines 62-67, the second packet terminal will delete the primary controller network address if signal quality diminishes requiring handoff as know in the art).

Regarding **Claims 37, 44, and 47** Dolan discloses everything as applied above (*see claims 34, 42, and 45*).

wherein said step of first instructing further comprises: sending a message from the first packet communication terminal to the second packet communication terminal including a list of network addresses of networks to which the first packet communication terminal can presently be connected to (see col. 6, lines 39-48, the primary base station sends a request signal message , which contains information to connect those resources currently being supported by the call and the various station that support the call at any point in time).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 36, 38-41, 43, and 46** rejected under 35 U.S.C. 103(a) as being unpatentable over Dolan in view of Bahl (US Patent 6,957,276).

Regarding **Claims 36, 40, 43, and 46** Dolan discloses everything as applied above (*see claims 34, 38, 42, and 45*).

Dolan fails to specifically point out second instructing the second packet communication terminal to delete the network address A or the network address B from the second storage, when the first packet communication terminal has not received an acknowledgement from the second packet communication terminal within a certain time period as claimed.

Dolan fails to specifically point out a computer readable storage device storing a computer program as claimed.

However Bahl teaches instructing the second packet communication terminal to delete the network address A or the network address B from the second storage, when the first packet communication terminal has not received an acknowledgement from the second packet communication terminal within a certain time period (see figure 7, checks if acknowledgment is not received, if NACK, address is deprecated, in figure 5, deprecated address are removed).

Bahl discloses a computer readable storage device storing a computer program (see col. 6, liens 32-54, computer media embodied with computer readable instructions).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine Dolan invention with Bahl invention because Bahl invention involves assignment and retrieval of permanent/static address to from the network machines,

through DHCP server, allowing the network administrator to reclaim a permanent or static IP address form a machine (see Bahl, col. 2-3, lines 66-7).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine Dolan invention with Bahl invention because Bahl invention involves assignment and retrieval of permanent/static address to from the network machines, through DHCP server, allowing the network administrator to reclaim a permanent or static IP address form a machine (see Bahl, col. 2-3, lines 66-7).

Regarding **Claims 38 and 39** a computer readable storage device storing a computer program, the computer program including instructions configured to cause a processor to execute a packet communication method for packet communication between a first packet communication terminal and a second packet communication terminal, the first communication terminal able to connect to a network A and a network B by a first base station and a second base station, respectively, comprising (see figure 3):

A receiving unit (see figure 3, section 100, primary base station), acquiring a network address A from the first base station and a network address B from the second base station, the network address A and the network address B usable for addressing the first packet communication terminal by the second packet communication terminal through the network A and through the network B, respectively, (see col. 5, lines 60-67, the base station receives identity and the address of the first, second, … nth order neighboring base stations, each base station has a network address respectively which is acquired, the first packet terminal can be address using the network address A by a second terminal));

Memory (see figure 2, section 380, memory) , first storing the acquired network address A and the network address B in a first storage located in the first packet communication terminal(see col. 5,lines 60-63, the station receives addresses and stores in memory) ;

Transmission unit (see figure 2, section 320, transceiver), notifying the second packet communication terminal by the first packet terminal about the acquired network address A and the network address B through at least one of the first or second base station (see col. 6, lines 49-56, secondary base station, get an acknowledgment which contain the identities of the neighboring base station and the addresses);

second storing the notified network address A and the network address B of the first packet communication terminal in a second storage located in the second packet communication terminal(see col. 7,lines 7-9, each base station stores the neighbor information for its own cells);

measuring unit (see figure 33, signal measurement), measuring a radio wave intensity A of the network A and a radio wave intensity B of the network B at the first packet communication terminal to determine availability of the network A and the network B for the first packet communication terminal, respectively (see col. 8, lines 1-9, the primary controller obtains signal quality measurements for all the neighboring base stations, which determines the availability of the network); and

instructing unit (see figure 3, switching center), generating packets from identical data, and sending the packets from the second packet communication terminal to the first packet communication terminal by using addresses that are stored in the second storage (see col. 5, lines 20-33, the switching center receives calls associated from each of the base stations and

communicates those signals, allowing more than one base station service a portion of the communication link).

instructing the second packet communication terminal to delete the network address A or the network address B from the second storage, when said step of measuring indicates that the radio wave intensity A or the radio wave intensity B is below a certain threshold value, respectively (see col. 8, lines 10-22, the signal strength is measured and informed when the measurement falls below a predetermined threshold, see col. 7, lines 62-67, the second packet terminal will delete the primary controller network address if signal quality diminishes requiring handoff as know in the art).

However Dolan fails to specifically point out a computer readable storage device storing a computer program as claimed.

Bahl discloses a computer readable storage device storing a computer program (see col. 6, liens 32-54, computer media embodied with computer readable instructions).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine Dolan invention with Bahl invention because Bahl invention involves assignment and retrieval of permanent/static address to from the network machines, through DHCP server, allowing the network administrator to reclaim a permanent or static IP address form a machine (see Bahl, col. 2-3, lines 66-7).

Regarding **Claim 41** Dolan discloses everything as applied above (*see claim 38).*

wherein said step of first instructing further comprises: sending a message from the first packet communication terminal to the second packet communication terminal including a list of network addresses of networks to which the first packet communication terminal can presently

be connected to (see col. 6, lines 39-48, the primary base station sends a request signal message , which contains information to connect those resources currently being supported by the call and the various station that support the call at any point in time).

However Dolan fails to specifically point out a computer readable storage device storing a computer program as claimed.

Bahl discloses a computer readable storage device storing a computer program (see col. 6, liens 32-54, computer media embodied with computer readable instructions).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine Dolan invention with Bahl invention because Bahl invention involves assignment and retrieval of permanent/static address to from the network machines, through DHCP server, allowing the network administrator to reclaim a permanent or static IP address form a machine (see Bahl, col. 2-3, lines 66-7).

Response to Arguments

Applicant's arguments filed 1/09/2009 have been fully considered but they are not persuasive.

In the remarks on pg. 12 of the amendment, the applicant contends that Dolan does not teach or suggest "acquiring a network address usable for addressing the first packet communication terminal by the second packet communication terminal through the network A and through the network B"

Examiner respectfully disagrees Dolan teaches that the base station acquire the network identities of the neighboring base station, which are usable for addressing the first terminal to address a second terminal device through a network B, as its primary controller.

In the remarks on pg. 13 of the amendment, the applicant contends that Dolan does not teach or suggest "first instructing the second packet terminal communication terminal to delete the network address A or the network address B from the second storage"

Examiner respectfully disagrees Dolan teaches that the primary controller periodically measures the signal quality in which the signal quality diminishes the call will be terminated or handoff as known in the art, requiring the second terminal to deleted the network address of the previous primary controller from the second terminal.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MON CHERI S. DAVENPORT whose telephone number is

(571)270-1803. The examiner can normally be reached on Monday - Friday 8:00 a.m. - 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin C. Harper/
Primary Examiner, Art Unit 2416

/Mon Cheri S Davenport/
Examiner, Art Unit 2416
March 19, 2009